



OLR RESEARCH REPORT

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STATE COURT OVERSIGHT OF GUARDIANS AD LITEM

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You asked several questions about guardians ad litem (GAL) assigned to represent the best interests of children in divorce and custody matters handled in Connecticut family courts. Your questions are directed at cases where the litigants are not indigent.

This report is a companion to OLR Report [2012-R-0416](#), which answers questions about GAL assignments in child protection (abuse and neglect) matters.

In Family Court Cases Involving Child Custody and Visitation Disputes, Who Oversees GAL Appointments?

Judges and family support magistrates make all decisions regarding GAL appointments on a case-by-case basis. Their appointing authority is not absolute, as these judicial officials can only appoint GALS who are (1) family relations counselors or (2) lawyers and other professionals certified as having completed a six-day comprehensive training program and placed on the Judicial Branch's statewide list of those qualified for GAL appointments. The program is offered jointly by the Office of the Chief Public Defender (OCPD) and Judicial Branch (Conn. Prac. Book Rule 25-62).

Is the quality of a GAL's work monitored? The law does not require that GALs be monitored. And according to Deborah Fuller, the Judicial Branch's director of external affairs, the branch does not formally do so. However, the law does allow a family court judge or magistrate to rescind a GAL's appointment without notice when it appears to be in the child's best interest ([CGS §45a-132\(f\)](#)). Litigants dissatisfied with the quality of the work performed by a GAL may raise their concerns with the judge assigned to their case. Such issues are handled on a case-by-case basis.

Are There Limits On The Amount GALs Can Charge For Their Services?

No law or Practice Book rule limits how much GALs can charge for their services in cases where the parents are not indigent. By law, any person appointed a guardian ad litem may be allowed reasonable compensation ([CGS §45a-132\(g\)](#)). The Practice Book specifies that if a judicial authority appoints as guardian ad litem someone other than a family relations counselor, he or she may order compensation for services rendered in accordance with the established Judicial Branch fee schedule (Conn. Prac. Book Rule 25-62). According to Susan Forbes of the OCPD, if the parents are indigent, the state pays them \$500 per child and \$50 per hour for (1) visits with clients, (2) collateral witnesses, and (3) trial time.

When an appointed GAL is a lawyer, he or she is bound by the Practice Book rule forbidding attorneys from charging unreasonable fees or expenses (Conn. Prac. Book Rule 1.5). The factors to be considered in determining reasonableness include:

1. the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
2. the likelihood, if made known to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
3. the fee customarily charged in the locality for similar legal services;
4. the amount involved and the results obtained;
5. the time limitations imposed by the client or by the circumstances;
6. the nature and length of the professional relationship;
7. the experience, reputation, and ability of the lawyer or lawyers performing the services; and
8. whether the fee is fixed or contingent (Conn. Prac. Book Rule 1.5).

Litigants may bring disputes concerning the amount they were charged to the judge who is hearing their case.

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